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In the Supreme Court

OF THE

United States

OCTOBER TERM, 1957

No. 47

VIRGINIA LAMBERT,

Petitioner,

vs.

THE PEOPLE OF THE STATE OF CALIFORNIA,

Respondent.

Appeal from the Superior Court of the State of California, in and for the County of Los Angeles.

BRIEF OF ATTORNEY GENERAL OF THE STATE OF CALIFORNIA FOR RESPONDENT.

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In the Supreme Court
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No. 47

Virginia Lambert,	*Petitioner,*
vs.	
The People of the State of California,	*Respondent.*

Appeal from the Superior Court of the State of California, in and for the County of Los Angeles.

BRIEF OF ATTORNEY GENERAL OF THE STATE OF CALIFORNIA FOR RESPONDENT.

OPINION BELOW.

The opinion of the Appellate Department of the Superior Court, County of Los Angeles, State of California is unreported. It appears at R. 29-30.

JURISDICTION.

Jurisdiction of this Court is invoked under the provisions of 28 U.S.C. § 1257(2). Appellant was convicted in the Los Angeles Municipal Court of violating § 52.39 of the Los Angeles Municipal Code. (R. 18, 20.) On appeal the Appellate Department of the Superior Court, County of Los Angeles, State of California, affirmed. (R. 30.) That Court is the highest Court of the State of California to which an appeal could be taken in this case. See *Alberts v. California*, 353 U. S. ....., 1 L. Ed. 2d 1498, 1505. The judgment of said Court was entered on March 2, 1956. (R. 31.) Appellant's notice of appeal to this Court was filed on April 13, 1956. (R. 31-32.) This Court noted probable jurisdiction on November 19, 1956. 352 U.S. 914. The case was argued on April 3, 1957. Reargument was ordered on June 3, 1957. 25 U.S. L. Week 3359. The Court invited *amicus curiae* to appear for appellee. 25 U.S. L. Week 3359.

STATUTES INVOLVED.

The text of § 52.38 through § 52.43 of the Los Angeles Municipal Code is set out in an Appendix.

QUESTIONS PRESENTED.

A Los Angeles Municipal Ordinance makes it a misdemeanor for persons previously convicted of specified crimes to remain in the city for more than five days without registering with the Chief of Police.

On appeal from a conviction for failure to register, the questions presented are:

1. Is the decision of the Appellate Department of the Superior Court of the County of Los Angeles correct in holding that it is no defense to a violation of the ordinance that the defendant did not know that she had a duty to register with the Los Angeles police as a convicted felon?

2. Is the decision of the Appellate Department of the Superior Court of the County of Los Angeles correct in holding that the ordinance is a constitutional exercise of the State's police power and not repugnant to the Fourteenth Amendment to the United States Constitution?

STATEMENT OF THE CASE.

On February 2, 1955 appellant Virginia Lambert was arrested in Los Angeles and charged with a violation of § 52.39 of the Los Angeles Municipal Code, a misdemeanor. (R. 15.) That section makes it unlawful for a convicted felon or a person convicted of specified misdemeanors to be or remain in the City of Los Angeles for more than five days without registering with, and furnishing information to, the Chief of Police.

Appellant's trial in Los Angeles Municipal Court for violation of the registration ordinance commenced on April 14, 1955. (R. 2.) As set forth in the Engrossed Statement on Appeal prepared by the parties

and approved by the trial judge (R. 15-21), the evidence at the trial established the following facts: At the time of her arrest, appellant had been a resident of Los Angeles for an uninterrupted seven and one-half year period. (R. 17.) On May 29, 1951 and on June 18, 1951, she had been convicted in the Los Angeles County Superior Court of the crime of forgery, an offense punishable as a felony under California Penal Code §470. (R. 15-16.) At the time of her arrest appellant had not registered with the Chief of Police. (R. 17.)

At her trial for failure to register, appellant asserted that the complaint against her fails to state a cause of action because § 52.39 denies her due process of law and equal protection of the laws guaranteed by the Constitution of the United States. (R. 16.) The Municipal Court rejected this claim of unconstitutionality. (R. 16.) Appellant offered to testify that she did not know that she had a duty to register, but the Municipal Court sustained an objection to this testimony. (R. 17.)

On April 19, 1955, a jury found appellant guilty as charged. (R. 18.) The Court suspended imposition of sentence and placed her on probation for three years on condition that she violate no law dealing with public health, welfare or morals and that she pay $250. (R. 20.)

An appeal was taken to the Appellate Department of the Superior Court, Los Angeles County, State of California. (R. 21.) On the appeal, the constitutional-

ity of § 52.39 of the Municipal Code was again challenged. (R. 20.) On March 2, 1956, the Appellate Department affirmed the Municipal Court. (R. 31.) In its memorandum opinion (R. 30) the appellate Court held that wrongful or criminal intent is not an element of the crime created by the ordinance and that it is no defense that appellant did not know of the registration requirement. The Court also stated, "There is no merit to the claim that the ordinance is unconstitutional."

SUMMARY OF ARGUMENT.

I.

Due process does not require that wrongful intent be an element of all crimes, and in fact this Court has held that certain acts or failures to act may constitutionally be made criminal without regard to the defendant's lack of intention to violate the law. If this were not the accepted rule, much if not all so-called public welfare legislation would be unenforceable.

The purpose of the Los Angeles Ordinance is to protect the community from the criminal conduct of previously convicted felons and of misdemeanants convicted of specified sex offenses. Inasmuch as it is clearly a type of public welfare legislation, designed to cope with the serious problem posed by criminal recidivists and not to punish former convicts, the public interest de-

mands full compliance with its terms. If ignorance of the registration requirement of the ordinance is held to be a valid defense for those subject to its terms, the ordinance will be unenforceable, and a valuable means of protecting the public from the wrongful acts of known criminals will be rendered useless.

II.

The Los Angeles ordinance, far from being unique (see Note, 103 University of Pennsylvania L. Rev. 60, 65) is designed to deter known criminals of recidivistic tendencies from further misconduct and to promote efficient law enforcement in a large, densely populated area which is well known for a substantial number of transient visitors and new residents who flow into the city daily. The registration requirements to which the ordinance subjects specified convicted persons are reasonably calculated, in view of the classification set forth therein, to accomplish its purposes for the protection of the public welfare and safety, and appellant's constitutional rights are in no way infringed thereby.

ARGUMENT.

I.

DUE PROCESS DOES NOT REQUIRE THAT WRONGFUL INTENT BE AN ESSENTIAL ELEMENT OF CRIMINAL LEGISLATION ENACTED UNDER THE POLICE POWER FOR THE PROTECTION OF THE PUBLIC WELFARE AND SAFETY.

Appellant maintains that she did not know nor should she have known of the existence of the registration requirement. The letter, filed with the brief of the City Attorney of Los Angeles upon rehearing of this appeal, from the probation officer for the County of Los Angeles, in the Superior Court of which appellant was twice convicted in 1951, indicates that it is the practice of that office to inform probationers of the Los Angeles registration requirement. Furthermore, as the letter filed herewith from the Department of Corrections indicates, all felons released from California prisons are given actual notice of registration requirements such as those of the ordinance here in question, and are furnished with an explanatory pamphlet relating thereto. Thus a vast majority of persons potentially subject to this ordinance have actual notice of its requirements. Consequently appellant's claims that she neither had access to the ordinance nor was notified of her duty to register by the judge at the time of her original sentence in 1951 or when her probation was modified in 1952 in no way exclude the probability that she in fact had actual notice of her duty to register, although not from the sources she mentions.

But even if her proffered (although excluded) testimony that she did not know of the existence of the

ordinance (R. 17) be accepted at face value, she cannot avail herself of this claim to invalidate her conviction for violation of the ordinance. It is a settled rule that specific criminal intent does not apply to crimes based upon public policy, *People v. Darby*, 114 C.A. 2d 412, 250 P. 2d 743, appeal dismissed 345 U.S. 937; and that when specific intent is not made an ingredient of the statutory offense, then it is not necessary in order to convict to prove a knowing intention to violate the law. *People v. Gory*, 28 C. 2d 450, 170 P. 2d 433. The "intent" referred to in California Penal Code § 20 (printed in Appendix B of Appellant's opening brief, p. 35) is merely an intention to do the act which is in fact unlawful; it is irrelevant whether the doer knows he is acting unlawfully. *People v. Dillon*, 199 C. 1, 248 P. 230. For that reason appellant's knowledge or lack of knowledge of her duty to register is irrelevant here.

Appellant maintains further, relying largely upon *Morissette v. United States*, 342 U.S. 246, that the element of wrongful intent (meaning an intention not to comply with the ordinance despite knowledge of its requirements) cannot constitutionally be eliminated as an ingredient of her offense. The analysis in the *Morissette* case in no way supports her view, inasmuch as the Court there was considering the question of whether the substantive element of wrongful intent may be eliminated from crimes of common law origin, and it concluded that the offense of which Morissette was convicted was such a crime and traditionally entailed a wrongful intent. But with respect to those

so-called public welfare offenses created by statute which have no counterpart in the common law, the Court recognized that a different rule had previously been upheld. *United States v. Balint*, 258 U.S. 250; *United States v. Dotterweich*, 320 U.S. 277. In *United States v. Balint*, 258 U.S. at 252, the Court, pointing out that scienter was a requirement in common law crimes, went on to say that wrongful intent is not an essential element in many of the statutory crimes:

> "Many instances of this are to be found in regulatory measures in the exercise of what is called the police power where the emphasis of the statute is evidently upon achievement of some social betterment rather than the punishment of the crimes as in the case of *mala in se*."

Examples of such regulatory measures involving registration requirements are set forth in Note, 103 University of Pennsylvania L. Rev. 60, 97, notes 193 and 194. As appellant readily concedes (Appellant's opening brief, p. 17), the crime created by the Los Angeles ordinance is not *malum in se*, and it therefore seems clear that the *Balint* rationale applies here.

Appellant contends that whether those subject to such regulatory statutes know or have reason to know of the requirements thereof has some bearing in determining the constitutionality of eliminating the wrongful intent requirement. But this is not the justification for the validity of these statutes, any more than a violation of the early motor vehicle registration and license requirements in the beginning era of automobile travel could be excused by a truthful and justifi-

able claim of ignorance of the statutory requisites. See Sayre, Public Welfare Offenses, 33 Columbia L. Rev. 55, 73. The enactment, by itself, of regulatory legislation, such as statutes requiring lobbyists, foreign agents, etc. to register, ordinarily gives an individual subject to it no actual notice of his obligations thereunder, particularly when the statutory prohibition or requirement has no traditional background of general acceptance.

Thus if the legislature, in an attempt to protect the public safety, sees fit to exclude wrongful intent as defined by appellant as a substantive element of a given crime, the omission must be justified on another ground. As this Court stated in *Utermehle v. Norment*, 197 U.S. 40, 55:

> "We know of no case where mere ignorance of the law, standing alone, constitutes any excuse or defense against its enforcement. It would be impossible to administer the law if ignorance of its provisions were a defense thereto."

It is the difficulty of enforcing and administering such types of public welfare legislation as Sayre lists in his article and the purposes thereof that necessitate the abandonment of wrongful intent as an essential component of the offense. Thus with respect to the Los Angeles registration ordinance, its purpose is not to punish convicted felons and sex offenders; rather it is to protect the public by deterring past offenders from repeating their offenses; and by enabling the city's law enforcement officials effectively to apprehend perpetrators of crimes committed within their

jurisdiction by familiarizing them with the whereabouts and past record of known wrongdoers of recidivistic tendencies. If the failure of those subject to the ordinance to register is to be excused on the ground that they did not know they had such a duty, the socially beneficial purposes of the ordinance are nullified, for few convicted persons would register. One may safely assume that a potential or proven recidivist arrested for failing to register would not hesitate to maintain stoutly that he had no idea he was obliged to do so, if he knew such a claim, approved as "due process," would protect him.

II.

THE LOS ANGELES ORDINANCE IS A VALID POLICE MEASURE REASONABLY RESTRICTED TO THE EVIL WITH WHICH IT ATTEMPTS TO DEAL.

The purpose of the ordinance under attack here is two-fold: first, to deter known criminals from committing future crimes by requiring them to apprise the police of their identity and whereabouts; and second, to enable law enforcement officials both to prevent violations of the law and to apprehend the violators when crimes have been committed. Appellee does not deny that the ordinance subjects convicted felons and misdemeanants convicted of specified sex offenses to the inconvenience of registering with the police if they wish to stay in Los Angeles for more than five days, but this fact alone does not invalidate the ordinance. See *Cantwell v. Connecticut*, 210 U.S. 296. The basic

question is whether the persons subject to the ordinance as a class pose a sufficient danger to the City of Los Angeles to justify the requirement that they register for the protection of the community as a whole; substantive due process requires that there be a relationship between the objective sought to be obtained and the means employed to achieve that end. *Thomas v. Collins*, 323 U.S. 516.

The availab'- statistics dealing with criminal recidivism appear to warrant the classification upon which the ordinance is based. Of the total of male admissions to California state prisons, 84.5 per cent of the men admitted had prior criminal records, and 35.7 per cent of the admissions had one or more prior prison records. 47 Journal of Criminal Law, Criminology and Police Science, No. 1, Frym, "Treatment of Recidivists," p. 3; see also letter from the Director of the Bureau of Criminal Statistics on file herewith. In recent years much attention has been devoted to the problems posed by habitual criminals and multiple offenders. See Senate Resolution No. 74, 73rd Cong., 1st sess., 1933; Note, 103 University of Pennsylvania L. Rev. 60, 65. It is true that the mere fact that a person has been convicted of a felony or a sex offense once, twice or more does not mean for a certainty that he will commit other crimes in the future. And it is equally true that there is a first conviction for each multiple offender. But there is as yet no reliable method of predicting the future behaviour of a person convicted in the past, although some studies have been made indicating a high percentage of relapse. See

Glueck and Glueck, After-Conduct of Discharged Offenders, pp. 21 ff, 64 Yale L. J. 792, 794.

It is an absurdity to maintain that because no certain solution is available to deal with a particular problem, due process forbids society to make any attempt, as rational as the known data permits, to eliminate or minimize that problem. If, on the basis of what information is available, the Legislature sees fit to adopt a measure which in a substantial degree bears a relationship to the prevention of a recognized social evil, the Courts will not interfere on constitutional grounds. "Judicially we must tolerate what personally we may regard as a legislative mistake." *Harisiades v. Shaugnessy,* 342 U.S. 580, 590.

Appellant however maintains that the Los Angeles ordinance fails to set up a classification reasonably suited to its objective. But, given the present incomplete data on the problems of recidivism, the ordinance on its face does in fact attempt to distinguish between convicted persons who are likely to commit crimes in the future and those whose records indicate they have been rehabilitated. § 52.38(f) excepts from the registration requirement persons whose convictions have been set aside by law. California Penal Code § 1203.4, permitting a conviction to be set aside after successful completion of the conditions of probation, is mandatory on the Court, that is, a matter of right for the applicant. *People v. Johnson,* 285 P. 2d 74. In the case of the person who fails successfully to complete the conditions of probation, it may be inferred, without doing violence to the available facts that he is far

from rehabilitated, and there is some likelihood his inability to observe the law is not a one-time phenomenon.

Again, § 52.38(d) and (f) single out for special treatment sex offenders. In recent years the public has recognized that criminals of this type pose special problems in the field of law enforcement. One writer, in Note, 60 Yale L. J. 346, discussing the widespread adoption of sexual psychopath laws, comments:

> "Ordinary penal codes are inadequate to solve the problem of dangerous sex criminals [i.e., those who commit many of the crimes enumerated in the Los Angeles ordinance]. Many such individuals are neither deterred by fear of punishment nor reformed by prison terms."

He states further:

> "Implicit in some sexual psychopath laws is the assumption that sex offenders are a distinct type of highly recidivistic criminal who can be isolated on the basis of personality and who must be given unique penal treatment."

Mention is made of the high recidivism rate in offenses such as exhibitionism and sodomy. 60 Yale L. J. at 355.

Similarly, with respect to narcotics offenders, a repetitive pattern is in most instances involved.

> "Existing methods of narcotics regulation have failed to stem the postwar tide of addiction. . . Narcotics users rarely have criminal records prior to addiction; but after addiction they resort to crime, and money illegally gained goes for drugs."
>
> 62 Yale L. J. 751, 759.

See also U.S. Bureau of Narcotics, Memorandum Regarding Narcotic Drug Clinics, Their History and Hazards 6 (Nov. 22, 1938).

In brief, it is apparent that the Los Angeles ordinance was framed specifically for the purpose of dealing with criminals of particularly recidivistic tendencies, and took into account the possibility that a convicted person could rehabilitate himself by successful completion of the conditions of probation. With respect to convicted felons whose convictions have not been set aside, there is no constitutional objection to treating them as a class to which minor burdens attach. As pointed out in Appellee's Brief on First Hearing, p. 7, the California Supreme Court has, against constitutional objections, upheld statutes depriving felons of certain privileges that the rest of the population might still enjoy. See *People v. James,* 71 Cal. App. 374; *People v. Dunlop,* 102 Cal. App. 2d 314; *In the Matter of the Application of Gevino Rameriz,* 193 Cal. 633. Indeed, this Court in *Patsone v. Pennsylvania,* 232 U.S. 138, held that a classification of aliens as a dangerous element in the community under the police power was valid under the Fourteenth Amendment. Mr. Justice Holmes stated:

> ". . . [A] state may classify with reference to the evil to be prevented, and . . . if the class discriminated against is or reasonably might be considered to define those from whom the evil is to be feared it properly may be picked out. A lack of abstract symmetry does not matter. The question is a practical one dependent upon experience. . . It is not enough to invalidate the law that others may do

> the same thing and go unpunished if as a matter of fact it is found that the danger is characteristic of the class named."

It cannot be denied that a convicted felon traditionally forfeits to some extent the confidence of the rest of society. California Code of Civil Procedure § 2051 (printed, along with other illustrative statutes and constitutional provisions, in Appellee's brief on first hearing, Appendix B, p. 11), permitting a witness to be impeached upon showing that he has been convicted of a felony; § 199, excluding convicted felons from jury service; and California Elections Code § 299, canceling the voting rights of persons convicted of infamous crimes, are apt illustrations of this fact. Such statutes have not been held unconstitutional, and yet the rationale thereof appears far less compelling in terms of the social welfare than that of the ordinance here in question. Appellee suggests that the status of convicted felons, like that of aliens, is such that the legislature may single them out as a class for the protection of society at large. See the discussion of the alien registration laws in *Hines v. Davidowitz*, 312 U.S. 52, 75.

There is no doubt that this ordinance, like the alien laws, is an aid in the enforcement of various statutes applicable to the class required to register, such as California Penal Code § 12021, making it a felony for a convicted felon to carry a concealed weapon, upheld in the *Rameriz* case, *supra*. Appellant, however, contends that the ordinance is improperly used as a

weapon for police harassment of "undesirable" persons. Apart from the fact that no proof of this allegation is properly before the Court, and one may not assume the ordinance has been or is being used improperly, it may be noted in passing that the vagrancy laws (e.g., California Penal Code § 647.5) have traditionally been used as legal justification for police roundups in order to identify, question and fingerprint suspected criminals when a crime has been committed, and are generally held to be constitutional. See Note, Use of Vagrancy-Type Laws for Arrest and Detention of Suspicious Persons, 59 Yale L. J. 1351, 1352, note 5. Indeed, the Los Angeles ordinance is likely to lessen the frequency and length of detention of convicted persons in these circumstances, inasmuch as the police officials already have the relevant information about such individuals who have registered.

Appellant maintains further that certain constitutional rights are infringed by the ordinance, namely, the right against self-incrimination, the right of privacy and the right of a person to move freely within the United States. With respect to the first contention, it is necessary merely to say that the Habitual Criminal Act (California Penal Code § 644) relates only to sentencing after commission of another crime, and the furnishing of information regarding past convictions does not provide data for a future prosecution under that statute. As this Court pointed out in *United States v. Kahriger*, 345 U.S. 22, the guarantee against self-incrimination relates to past acts only and not to future acts that may or may not be committed. In fact,

record-keeping requirements which as a practical matter may furnish material for future prosecution have been upheld as a reasonable means of enforcing regulatory statutes. *Shapiro v. U.S.*, 335 U.S. 1.

As for appellant's contention that her right of privacy is invaded by the ordinance, it is a settled rule of tort law that publicity from a public incident in which a person becomes involved, such as a crime, is no subject for complaint, Restatement, Torts § 867, and that view seems equally applicable here, inasmuch as a prior conviction is a matter of public record, and the registration and disclosure provisions of the ordinance are in no way designed for commercial exploitation of the registrant's past and no such purpose or result has been shown.

Registration statutes invariably to some extent encumber a person's right to move freely within the United States. But so do tax statutes and any number of other obligations arising from the simple fact of being physically present in a particular place. The problem posed in *Edwards v. California*, 314 U.S. 160, is in no way comparable to that here.

CONCLUSION.

The orders and judgment of the Appellate Department of the Superior Court of the County of Los Angeles should be affirmed.

Dated, San Francisco, California,
October 11, 1957.

Respectfully submitted,
EDMUND G. BROWN,
Attorney General of the State of California,
CLARENCE A. LINN,
Assistant Attorney General of the State of California,
Amicus Curiae for Respondent.

(Appendix Follows.)

Appendix

LOS ANGELES MUNICIPAL CODE §§52.38-52.43.

SEC. 52.38. CONVICTED PERSON DEFINED.

For the purpose of Sections 52.38 to 52.43, inclusive, the words "convicted person" are defined as follows:

(a) Any person who, subsequently to January 1, 1921, has been or hereafter is convicted of an offense punishable as a felony in the State of California, or who has been or who is hereafter convicted of any offense in any place other than the State of California, which offense, if committed in the State of California, would have been punishable as a felony.

(b) Any person who, subsequent to January 1, 1921, has been or hereafter is convicted in the State of California, or elsewhere, of the violation of any law, whether the same is or is not punishable as a felony:

1. Relating to or regulating the possession, distribution, furnishing, or addiction to the unlawful use of any narcotic as defined and referred to in Division 10 of the California Health and Safety Code. (Amended by Ord. No. 106,989, Eff. 3/17/56.)

2. Regulating or prohibiting the carrying possession, or ownership of any concealed weapon, or deadly weapon, or any weapon capable of being concealed, or regulating or prohibiting the possession, sale or use of any device, instrument, or attachment designed or intended to be used for the purpose of silencing the report, or concealing the discharge or flash of any firearm;

3. Regulating or prohibiting the use, possession, manufacture, or compounding of tear gas, or any other gas, which may be used for the purpose of temporarily or permanently disabling any human being.

(c) (Repealed by Ord. No. 106,989, Eff. 3/24/56.)

(d) Any person who has been, since January 1, 1921, or who hereafter is convicted of a crime in the State of California under the provisions of one or more of the following sections of the Penal Code of California, to wit: 264 [rape], 265 [abduction for marriage or defilement], 286 [sodomy], 288 [lewd or lascivious acts with child under 14], 288a [oral copulation], subdivision 1 of 647a [vagrancy: annoying or molesting child under 18], or of subdivisions 1 or 2 of 311 [indecent exposure], or who has been, since January 1, 1921, or hereafter is convicted in any place other than the State of California of an offense which, if committed in this State, would have been punishable under one or more of said sections. (Amended by Ord. No. 108,387, Eff. 12/27/56.)

1. Any person who has been since January 1, 1945, or who hereafter is convicted of a crime in the State of California under the provisions of Section 647(5) [vagrancy: lewd or dissolute persons or persons who loiter in or about public toilets in public parks] of the Penal Code of the State of California, or who has been since January 1, 1945, or hereafter is convicted in any place other than the State of California of any offense which, if committed in this State, would have been punishable under said section.

(e) Any person who has been, since January 1, 1921, or hereafter is convicted in the State of California or elsewhere of any attempt or conspiracy to commit any offense described or referred to in this section.

(f) Provided, however, that any person, except as hereinafter set forth, whose conviction is or has been set aside in a manner provided by law, shall not be deemed a convicted person; provided further, however, that one who has been convicted of the commission of one or more of the crimes referred to in Subdivision (d) hereof, and whose conviction has been set aside at the termination of probation, and in connection therewith, shall be considered a convicted person, as such term is used in Section 52.28 [sic] to Section 52.43, inclusive.

SEC. 52.39. CONVICTS REGISTRATION—INFORMATION REQUIRED.

(a) It shall be unlawful for any convicted person to be or remain in the City of Los Angeles for a period of more than five days, without, during such five-day period, registering with the Chief of Police in the manner hereinafter prescribed.

(b) Any convicted person who does not reside in the City, but who has a temporary or permanent place of abode outside the City and comes into the City on five occasions or more during any thirty-day period, shall be subject to the provisions of Sections 52.38 to 52.43, inclusive, and shall, on or before entering the City on such fifth occasion, register in the manner prescribed in Subdivision (d) hereof.

(c) Provided, that any person who has once registered with the Chief of Police as a convicted person, shall not be required to register again, except as provided in Section 52.40 of this Code; provided further, however, that any person convicted of any of the crimes enumerated in Subdivision (d) of Section 52.38 of this Code shall register as provided in this section, regardless of whether he has previously so registered as a convicted person by reason of his conviction of some crime other than those enumerated in said Section 52.38(d).

(d) Every person required by this section to register shall do so by filing with the Chief of Police of the City of Los Angeles a statement in writing, signed by such person, upon a form prescribed and furnished by the Chief of Police, giving the following information:

1. His true name and all aliases which he has used or under which he may have been known;

2. A full and complete description of his person;

3. The kind, character and nature of each crime of which he has been convicted;

4. The place where each of such crimes was committed and the place or places of conviction;

5. The name under which he was convicted in each instance and the date thereof;

6. The name, if any, and the location of each prison, reformatory, jail or other penal institution in which he was confined or to which he was sentenced;

7. The location and address of his residence, stopping place, living quarters or place of abode in the City; if more than one residence, stopping place, or place of abode, that fact must be stated and the location and address of each given;

8. A statement of the kind of residence, stopping place or place of abode in which he resides, whether the same is temporary or permanent, *i.e.*, whether the same is a private residence, hotel, apartment house or other building or structure;

9. The length of time he has occupied each such place of residence, stopping place or place of abode; and the length of time he expects or intends to remain in the City;

10. Such other and further information as may be required by the Chief of Police for the purpose of aiding and assisting in carrying into effect the provisions and intent of Sections 52.38 to 52.43, inclusive.

SEC. 5240. CONVICTS—CHANGE OF RESIDENCE.

Any convicted person, except a non-resident, who is required to register under the provisions of Sections 52.38 to 52.43, inclusive who changes his place or residence, stopping place or living quarters, shall, within 48 hours after such change, and any non-resident mentioned in Section 52.39(b) who has registered and changes his place of residence, stopping place or living quarters, shall, upon his next entry into the City after such change, notify the Chief of Police of such fact and furnish to such Chief of Police the address of his new residence, stopping place or living quarters

in the same manner and with the same detailed information as is required in the filing of the original statement under the provisions of Section 52.39.

SEC. 52.41. CONVICTS, PHOTOGRAPHING AND FINGERPRINTING.

Each convicted person, at the time of registering and furnishing the information required by Sections 52.39 and 52.40 shall be photographed and fingerprinted by the Chief of Police, who shall cause such photographs and fingerprints to be made a part of the record provided for by Sections 52.41 and 52.43.

SEC. 52.42. RECORDS CONFIDENTIAL.

(a) The statements, photographs and fingerprints hereinbefore provided for shall not be open to inspection by the public, or by any person other than a regularly employed peace or law enforcement office [sic]. Any such photograph, or duplicates thereof, may be exhibited to persons other than police officers of the City for the purpose of assisting in identifying perpetrators of any crime. Copies of said statements, photographs and fingerprints may be transmitted to the sheriff of any county of the State of California, to the head of any organized police department of any municipality in said state, or to the head of any department of the State of California engaged in the enforcement of any criminal law of this state, or to the head of any federal law-enforcement agency, or to any sheriff or chief of police of a municipality, or to the head of any other law-enforcement agency of any state in any state or territory outside the State

of California, when request is made in writing by such sheriff or other head of a law-enforcement agency asking for the record of a certain person named therein, or for the record of a person whose photograph or fingerprints reasonably correspond with photographs or fingerprints submitted with such request, and stating that such record is deemed necessary for the use of such law enforcement officer or agency in or concerning the investigation of any crime, or any person who is accused of committing a crime, or any crime which is reported to have been committed, and further stating that the record will be used only for such purpose.

(b) Any police officer or other employee of the Police Department who discloses to any person any information contained in any statement required to be filed under the provisions of Sections 52.38 to 52.43 inclusive, otherwise than in the regular course of his duties, shall be guilty of a misdemeanor.

(c) Nothing contained in Sections 52.38 to 52.43 inclusive, shall prevent the Chief of Police from furnishing to the sheriff of any county, the Chief of Police of any municipality, or the head of any other law-enforcing agency which maintains any system of registration of convicted persons copies of the statements required to be filed under the provisions of Sections 52.38 to 52.43 inclusive, together with photographs and fingerprints of persons making such statements when and if such sheriff, chief of police, or other head of a law-enforcing agency furnishes to the

Chief of Police of this City copies of statements, photographs and fingerprints procured by him, and it is hereby made the duty of such Chief of Police to arrange for the exchange of such information.

(d) Any police officer or other employee of the Police Department may, any other provisions herein notwithstanding, furnish to persons other than peace officers, photographs, fingerprints, descriptions and other data relative to persons registered as convicted persons, as defined by Sec. 52.38(d)-1 of this Code, for the purpose of furnishing the information required by Sec. 41.11.2 of this Code, or for the purpose of securing and effecting the enforcement of said section; and the furnishing of such information, pictures or fingerprints shall be within the regular course of his duties.

SEC. 52.43. FALSE STATEMENTS.

(a) No person required by any provision of Sections 52.38 to 52.42 inclusive, to furnish a statement, shall in such statement give any false or fictitious address or any address other than a true address or intended address, or furnish in the making of any such report any false, untrue or misleading information or statement, relating to any information required by any of the provisions thereof to be made or furnished.

(b) Continuing Offense. The duty to furnish statements when and in the manner provided by Sections 52.38 to 52.42 inclusive, is hereby declared to be a continuing one, and for each day that any person

required under the provisions of Section 52.38 to 52.42 inclusive to furnish a statement fails to do so, such failure shall constitute a separate offense; provided, however, that no person may be convicted more than once on account of violations occurring by reason of failure, on a series of days, to furnish such statements; provided, further, that nothing contained herein shall be deemed a bar to subsequent prosecutions for violations of the provisions of this Code occurring subsequent to a prior conviction or acquittal of a violation thereof.